REMARKS

Claim 1 has been amended by limiting the definition of R_a to the preferences listed on page 4, line 8, item 1., and in original Claim 2; by limiting the definition of R_b to the preferences listed on page 4, line 9, item 2., and in original Claim 3, with Claims 2 and 3 consequently being canceled; and by limiting the definition of R_1 to the preference shown on page 4, line 11, within item 3., of the Specification.

Claim 10 has been amended to correct a minor typographical error and to add minor grammatical, stylistic and/or standard patent-preferred changes.

New Claim 13 claims the compounds of Examples 2-28 from Table 1, pages 9 and 10, of the Specification.

And new Claim 14 claims the compounds of Examples 8 and 10 from Table 1, page 9, of the Specification.

No new matter has been added to the Application as a result of any of these amendments.

Claims 1, 5-8, and 10-14 are therefore now currently pending in the instant Application, for which a favorable reconsideration of this RCE Application is respectfully requested.

Claim 12 has been objected to as dependent on a currently-rejected Claim, but considered allowable if rewritten in independent form. As Applicants respectively believe that the Claim on which Clam 12 depends will be allowable as a result of Applicants' amendments and arguments in this Response, they respectfully do not believe that any action is necessary with respect to this Claim.

Claims 1-3, 5-8, 10 and 11 have been rejected under 35USC103(a) as

unpatentable over Albert *et al* (WO 02/38561A1).

Published International Patent Application WO 02/38561A1 (Novartis AG, with Rainer Albert the first named inventor) describes: indolylmaleimide derivatives in free form or salt form, as optical isomers, racemates, or diastereoisomers, which compounds comprise a substituted phenyl, naphthyl, tetrahydronaphthyl, quinazolinyl, quinolyl, isoquinolyl or pyrimidinyl residue, and which compounds inhibit Protein Kinase C (PKC), T-cell activation and proliferation, and the proliferative response of T-cells to cytokines; processes for the preparation of these compounds; and pharmaceutical compositions comprising these compounds in free form or pharmaceutically-acceptable salt form with at least one pharmaceutically-acceptable carrier or diluent for, *inter alia*, the treatment and/or prevention of T-cell-mediated acute or chronic inflammatory diseases or disorders, autoimmune diseases, graft rejection or cancer.

While the Examiner has argued that Example 181 of the '561 reference has a nitrogen in the same position as the pyridyl N in the instant compounds, Applicants respectfully suggest that the reference still has a quinolinyl substituent in the position of Applicants' monocyclic pyridyl moiety. While the reference may suggest alternate ring systems in place of the quinolinyl rings, it neither discloses nor suggests a method for chemically producing all of those alternatives, including, particularly, a compound according to Applicants' invention. In addition, the importance of the type of ring system and its specific substitution pattern distinguishing Applicants novel and unobvious compounds is clearly shown in the better IC_{50} value in the CD28 costimulation assay (page 17, line 30-page 19, line 4 of the Specification) of the compound of Applicants' Example 1 (and Claim 12) (13.0nM) when compared with the indolyl compounds of Example 39 (46.7nM) and Example 41 (28.3nM), as well as the better IC_{50} value in the inhibition of GSK3β assay (page 19, lines 3-15 of the Specification) of the compound of Applicants' Example 1 (18nM) when compared with the indolyl

compound of Example 41 (25nM).

The '561 reference simply does not describe or reasonably suggest the structure and components that makes the present compounds novel and unexpected.

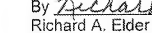
Reconsideration and withdrawal of this rejection is, therefore, respectfully requested.

SUMMARY

In view of Applicants' amendments and arguments, they respectfully believe that all pending Claims are now in condition for allowance and earnestly solicit such favorable action of the Examiner, with an early Notice of Allowance being issued. If any remaining matters need to be resolved, however, Applicants respectfully request a telephone interview (the undersigned attorney may be contacted at the telephone number set forth below) with the Examiner prior to any adverse action being issued by the Office in response to these arguments, in order to facilitate allowance of the pending Claims.

Respectfully submitted,

Dated: August 12, 2009

By 
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